

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

RONALD WAYNE PETTIT
Debtor.

CASE NO. 20-41570
Chapter 7

**SECOND AMENDED
MOTION TO RECONSIDER OR MODIFY AGREED ORDER MODIFYING ORDER ON
TRUSTEE'S AMENDED OBJECTION TO EXEMPTIONS**

The Motion of Ronald Wayne Pettit, the debtor, to Reconsider or Modify the Agreed Order Modifying Order on Trustee's Amended Objection to Exemptions would respectfully show:

1. That at the time of the agreement to the Agreed Order, and even as of this date, the debtor does not believe that he has an ownership interest in the property at which he lives, to-wit: 2740 Cromwell, The Colony, Denton County, Texas. Indeed, the Denton County Tax Records as shown on Exhibit "A" attached hereto and incorporated herein, show that the owner is Andrea Windich and that she owns 100%. Andrea Windich is the debtor's wife.

2. It was not until about January 27, 2021, that the chapter 7 trustee sent debtor's counsel a copy of a deed showing the debtor as an owner of the property along with Andrea Windich, that it was learned that this may be incorrect.

3. A search of the deed records of Denton County still does not index a deed in the name of the debtor, although it does index a deed of trust. Requiring a husband

on a deed of trust to a wife's separate homestead is not unusual and normally required in the State of Texas.

4. The debtor requests that the Agreed Order be amended to allow the debtor to claim his homestead interest, if any, in the property located at 2740 Cromwell, The Colony, Denton County, Texas.

5. Federal Rule 60(b) consideration. The debtor's original Motion to Reconsider was filed on January 28, 2021, fifteen (15) days after the entry of the Order from which it seeks relief. Debtor would shown that he did not know that he was on the deed to the subject property until January 27, 2021 when the Trustee delivered a copy of the deed to his attorney. A search of the deed index of Denton County does not show a deed in the name of the debtor. The original Motion to Reconsider was filed the next day after first learning of this. Accordingly, the Motion should be allowed under Federal Rule 60(b).

WHEREFORE, PREMISES CONSIDERED, the debtor prays that the Agreed Order be set aside or amended to allow him to claim his homestead interest, if any, in the property located at 2740 Cromwell, The Colony, Denton County, Texas and for general relief.

Respectfully Submitted,

LUSKY & ASSOCIATES, PC

/s/ Herman A. Lusky

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CERTIFICATE OF SERVICE

I certify that on March 4, 2021, a true and correct copy of above and foregoing was served upon the Chapter 7 Trustee, the United States Trustee, all parties requesting notice by ECF Notification System.

/s/ Herman A. Lusky